

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANCELL HAMM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 03-1770
	)	Judge Gary L. Lancaster/
	)	Magistrate Judge Francis
	)	X. Caiazza
EDWARD RENDELL, Governor, MICHAEL	)	
FISHER, Attorney General, JEFFREY	)	
BEARD, DOC Secretary, NEAL	)	
MEACHLING, Superintendent, C.O.	)	
YOLINSKY, C.O., GEROGE, , C.O.	)	
PEER, Lt. BLAKEY, C.O. TEETER,	)	
WILLIAM STICKMAN, Superintendent,	)	
Sergeant COOPER, Captain COLE,	)	
SHELLY MANKEY, JAMES META, ROBERT	)	
BITNER, and TONY EDWARDS,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Ancell Hamm's complaint pursuant to 42 U.S.C. §1983 was filed on November 18, 2003, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

A prior Order of this Court dismissing this case was affirmed in part and vacated in part, and the matter was remanded for the court to consider further whether the Plaintiff exhausted available administrative remedies (Doc. 41). The Magistrate Judge's Report and Recommendation, filed on January 31, 2007, recommended that the Defendants' Motion for Summary Judgment be granted. The parties were allowed ten days from the date of


service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Fayette, located in Labelle, Pennsylvania. Objections were due on or before February 20, 2007. None have been filed, although the Plaintiff did file, out of time, a Motion for Summary Judgment on February 21, 2007 (Doc. 59).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> day of Feb, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (Doc. 49) be granted.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 58), dated January 31, 2007, is adopted as the opinion of the court.

  
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Gary L. Lancaster  
U.S. District Court Judge

cc: Ancell Hamm  
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